761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

# SHERIFF'S DEPARTMENT

*"A Tradition of Service"*

OFFICE CORRESPONDENCE

DATE: December 16, 2014

FROM: STEPHEN JOHNSON, COMMANDER
CENTRAL PATROL DIVISION

TO: DONNIE MAULDIN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

| | |
|---|---|
| Case Number: | FO2347852 |
| Incident: | Use of Force |
| Incident Date: | December 31, 2013 |
| Unit: | Santa Clarita Valley Station |
| Suspect: | Tejada, Cesar MH/ 07/02/85 |
| Involved Employees: | Deputy Edgar Quintana #[redacted]<br>Deputy Luis Cabrera #[redacted] |
| EFRC Date: | December 11, 2014 |

The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, Ralph Webb, and Patrick Maxwell met and reviewed the above case.

**FINDINGS:**

The EFRC determined the force and tactics used against the suspect was within Department policy.

**RECOMMENDATIONS:**

The EFRC made no recommendations.

SBJ:RFI:rfi

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**IAB # FO2347852**

# Los Angeles County Sheriff's Department
## Supervisor's Report on Use of Force



**Incident Information**

| | | | |
|---|---|---|---|
| URN: 913 - 17597 - 0631 - 145 | Date: 12-31-13 | Time: 1918 | |
| Location: [redacted] Sierra Highway | City or Station: Santa Clarita | | |
| Bureau/Station/Facility: Santa Clarita Station | Admin. Investigation: ○ YES ◉ NO | | |
| Type of Force: Control Holds / Takedown / Resisted Handcuffing | | | |
| Incident Category: ○1 ○2 ◉3 | Deputy Injury: ○ YES ◉ NO | Suspect Injury ◉ YES ○ NO | |
| ☐ Call ☒ Observation ☐ Detail | ☐ Foot Pursuit | ☐ Vehicle Pursuit | |
| IAB Notified: ◉YES ○ NO | Person Notified: Lt. Weber | Emp: [redacted] | IAB Roll Out ◉ YES ○ NO |

**Involved Employee**

**E1**

| | | | | | |
|---|---|---|---|---|---|
| Employee # [redacted] | Last Name: Quintana | First Name: Edgar | Middle I. G. | Rank DSG | |
| Sex: ◉ M ○ F | Race: H | Height: 509 | Weight: 190 | Age: [redacted] | Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty |
| Unit of Assignment: Santa Clarita Station | Work Assignment (Unit #, Module, etc.): 63B | | | | |
| Individual Force Used: Control Holds / Resisted Handcuffing | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○1 ○2 ◉3 | | | |
| ☐ Injured ☐ Treated ☐ Admitted | Facility: | Coroner Case # | | | |

**E2**

| | | | | | |
|---|---|---|---|---|---|
| Employee # [redacted] | Last Name: Cabrera | First Name: Luis | Middle I. R. | Rank DSG | |
| Sex: ◉ M ○ F | Race: H | Height: 506 | Weight: 175 | Age: [redacted] | Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty |
| Unit of Assignment: Santa Clarita Station | Work Assignment (Unit #, Module, etc.): 63B | | | | |
| Individual Force Used: Control Holds / Takedown / Resisted Handcuffing | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○1 ○2 ◉3 | | | |
| ☐ Injured ☐ Treated ☐ Admitted | Facility: | Coroner Case # | | | |

**E__**

| | | | | | |
|---|---|---|---|---|---|
| Employee # | Last Name | First Name | Middle I. | Rank | |
| Sex: ○ M ○ F | Race: | Height: | Weight: | Age: | Shift: ○ EM ○ Day ○ PM; ○ Regular Shift ○ OT Shift ○ Off Duty |
| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | | | | |
| Individual Force Used: | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○1 ○2 ○3 | | | |
| ☐ Injured ☐ Treated ☐ Admitted | Facility: | Coroner Case # | | | |

**On Duty Supervisor** ☐ Additional Involved Employees

| Emp. # | Last Name | First Name | Middle I. | Rank | Present | Witness to Incident |
|---|---|---|---|---|---|---|
| [redacted] | Allen | Brian | | Sgt | YES ○ NO ◉ | YES ○ NO ◉ |

**Supervisor Completing Investigation**

| Emp. # | Last Name | First Name | Middle I. | Rank | Present | Witness to Incident |
|---|---|---|---|---|---|---|
| [redacted] | Pearcy | Kevin | R. | Sgt | YES ○ NO ◉ | YES ○ NO ◉ |

**Watch Commander / Supervising Lieutenant**

| Emp. # | Last Name | First Name | Middle I. | Rank |
|---|---|---|---|---|
| [redacted] | Bryski | Tom | W. | Lt |

Watch Commander / Supervising Lieutenant's **Signature:** Date Copy Provided to Employee by: Emp #:

Unit Commander **(Print Name)** Unit Commander's **Signature**: Emp #: Date

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

# Supervisor's Report on Use of Force
## SUSPECT INFORMATION

913 - 17597 - 0631 - 145



### Suspect Information

**S 1**

| Last Name | First Name | Middle Name | Armed? Select |
|---|---|---|---|
| Tejada | Cesar | | Other |

**AKA** Last Name | First Name | Middle Name

| Sex | Race | Age | Height | Weight | D.O.B | Phone #1 | Phone #2 |
|---|---|---|---|---|---|---|---|
| (●) Male ( ) Female | H | 28 | 505 | 165 | 07-02-85 | (●) H ( ) W ( ) C [redacted] | ( ) H ( ) W ( ) C |

Street Address: [redacted] City: [redacted] State & Zip Code: [redacted]

Booking #: 3819266 Primary Charge Code: 243(b) PC Secondary Charge Code: 11377(a) HS ☒ Criminal History

Treated on Scene? ( ) YES (●) NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Henry Mayo Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Dr. Heather Flaherty Address: 23845 McBean Pkwy, Valencia Phone #: (661) 253-8000

Under Influence: ( ) YES (●) NO Substance: 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

#### Suspect Interview

Date: 12-31-13 Time: 2007 ☐ Audiotape: ☒ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

### Suspect Information

**S__**

Last Name | First Name | Middle Name | Armed? Select

**AKA** Last Name | First Name | Middle Name

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ( ) YES ( ) NO Substance: 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

#### Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

### Suspect Information

**S__**

Last Name | First Name | Middle Name | Armed? Select

**AKA** Last Name | First Name | Middle Name

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ( ) YES ( ) NO Substance: 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

#### Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

### Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

### Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

| FORCE USED BY | | FORCE USED AGAINST | | Method (Code) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|
| Name | E# or S# | Name | E# or S# | | | |
| Tejada | S-1 | Quintana | E-1 | OO | NN | |
| Quintana | E-1 | Tejada | S-1 | CT | NN | |
| Tejada | S-1 | Quintana | E-1 | RS | NN | |
| Quintana | E-1 | Tejada | S-1 | CT | NN | |
| Tejada | S-1 | Quintana | E-1 | RS | NN | |
| Cabrera | E-2 | Tejada | S-1 | TD | NN | |
| Tejada | S-1 | Cabrera | E-2 | RS | NN | |
| Cabrera | E-2 | Tejada | S-1 | CT | NN | |
| Tejada | S-1 | Cabrera | E-2 | RS | NN | |
| Quintana | E-1 | Tejada | S-1 | CT | CP | FA |
| Tejada | S-1 | Quintana | E-1 | RS | NN | |
| Quintana | E-1 | Tejada | S-1 | CT | FR | WR |
| Cabrera | E-2 | Tejada | S-1 | RH | FR | WR |
| Cabrera | E-2 | Tejada | S-1 | CT | NN | |
| Cabrera | E-2 | Tejada | S-1 | RH | NN | |

# Supervisor's Report on Use of Force
913-17597-0631-145

## Force Applied

**Category 3 / Control Holds / Takedown / Resisted Handcuffing**

## Incident Details

See IAB narrative.

# INVESTIGATIVE SUMMARY

# COUNTY OF LOS ANGELES
# SHERIFF'S DEPARTMENT

## CATEGORY 3 FORCE
## INCIDENT SUMMARY

| | |
|---|---|
| **UNIT:** | Santa Clarita Station |
| **DATE / TIME:** | December 31, 2013, Tuesday / 1918hrs |
| **LOCATION:** | 27544 Sierra Highway, Santa Clarita, Ca 91351 |
| **URN#** | 913-17597-0631-145 |
| **IAB#** | FO2347852 |
| **INVOLVED EMPLOYEES:** | Deputy Edgar Quintana #[redacted]<br>Deputy Luis Cabrera #[redacted] |

**NATURE OF THE INCIDENT**

On December 31, 2013, at approximately 1918 hours, patrol Deputies Quintana and Cabrera were working as partners, in uniform and a marked patrol car, when they observed Suspect Tejada and two other male adults standing near the "97 Cents" store, at the location.

**IAB Note:** A copy of the PM shift Santa Clarita Valley Station In-Service for December 31, 2013, and the involved employees DDWS are included in this case book (see **Miscellaneous Documents**).

**IAB Note:** The location of occurrence on the Incident Report says [redacted] Sierra Highway. On scene video shows the numeric address of the location as [redacted] near one of its emergency exit doors. The listing address of the "97 Cents" store at the location is 27544 Sierra Highway (map included in **Exhibit E**).

Both deputies immediately recognized Suspect Tejada as a person they had contacted several times in the past who had had been identified as a methamphetamine narcotics user who frequently associated with other narcotics users. The last contact they had with Suspect Tejada, he was found to have a misdemeanor traffic warrant for his arrest.

Based on the fact that the three male adults were standing in front of the location, which was open for business, and the three males did not appear to be patrons of the business, the deputies formed the opinion that the males could be loitering on the business property without lawful business or purpose (a misdemeanor violation of 647[h] P.C.) and it warranted an investigation.

The deputies pulled their radio car up and stopped next to the three men. Suspect Tejada quickly handed an unknown object to one of the other males (later identified as [redacted] and [redacted]. Based on Suspect Tejada's actions, coupled with their knowledge that he was an identified narcotics user, Deputy Quintana believed Suspect Tejada either conducted a hand-to-hand drug transaction or was discarding narcotics to avoid arrest.

As Deputy Quintana (driver) got out of their patrol car and approached, Suspect Tejada walked away from the other two men, towards Deputy Quintana. Deputy Quintana began speaking to Suspect Tejada in Spanish, as he knew it was his (Suspect Tejada's) primary speaking language. Deputy Quintana questioned what Suspect Tejada handed to one of the other men. Suspect Tejada attacked Deputy Quintana by throwing a cup, containing warm brown liquid (presumably coffee), at him (a violation of 243[b] P.C.). Deputy Quintana saw the throwing motion, moved his body to the side, and used his arm in a defensive swiping motion to partially deflect the thrown cup. The cup's liquid contents burst forth and hit Deputy Quintana on the torso and left arm.

Deputy Quintana used his left hand to grab Suspect Tejada's left wrist and forearm. Suspect Tejada ran eastbound on the sidewalk, away from Deputy Quintana and towards the rear of the radio car. Deputy Quintana lost his grasp on Suspect Tejada's forearm. Deputy Quintana used his right hand to grab ahold of the back of Suspect Tejada's shirt, as Suspect Tejada ran away. Suspect Tejada continued to pull away from Deputy Quintana, causing Suspect Tejada's shirt to tear.

As Suspect Tejada fled, Deputy Cabrera was standing near the back of the radio car. Deputy Cabrera moved forward and wrapped his arms around the left side of Suspect Tejada's torso and performed a one person takedown. As Deputy Cabrera held Suspect Tejada, they both fell to the ground. When they fell to the ground, Deputy Cabrera was on top and Suspect Tejada was on bottom.

Suspect Tejada was twisting and thrashing his body and was able to position himself into a face down, push-up position. Suspect Tejada used his arms to push his body off the ground and attempted to stand up. Fearing Suspect Tejada was attempting to escape, Deputy Cabrera placed his left knee on Suspect Tejada's lower back and used his body weight to hold Suspect Tejada down and told Suspect Tejada, in Spanish, to stop resisting. Suspect Tejada continued to struggle.

Deputy Quintana quickly directed his attention to assess the other two men and found that they were cooperative and did not appear to pose a major threat. Suspect Tejada continued to struggle as Deputy Quintana placed his right knee on Suspect Tejada's upper back and used his body weight to hold Suspect Tejada down. Deputy Quintana advised, via his hand held radio, that they were involved in a fight and requested assistance.

Suspect Tejada continued to push up from the ground and kept thrashing his body. While struggling with Suspect Tejada on the ground, Deputy Quintana used both of his hands to grab Suspect Tejada's right forearm and pull it back behind his (Suspect Tejada's) back.

Using his right hand, Deputy Cabrera applied a handcuff to Suspect Tejada's right wrist. Deputy Cabrera used his left hand to grab Suspect Tejada's left forearm and pull it behind Suspect Tejada's back. Deputy Cabrera then placed the second half of the handcuffs on Suspect Tejada's left wrist.

Upon the arrival of assisting units, Suspect Tejada stood up and walked to the patrol car, without further incident.

Deputies searched the other two men but did not find any contraband. After a short time, they realized Suspect Tejada had not been thoroughly searched. As search of Suspect Tejada's person was conducted, but no contraband was found.

Field Sergeant (60S), Sergeant Brian Allen (#[redacted] responded to the scene. Deputies Quintana and Cabrera made verbal notifications of the force they used and the force they witnessed to Sergeant Allen.

At the end of the shift, Deputy Quintana checked the backseat of their radio car and found a methamphetamine pipe containing methamphetamine and two small plastic baggies containing methamphetamine, on the floorboard directly behind the driver's seat.

The deputies advised that at the beginning of their shift, the backseat had a lot of dirt in it, so they had a station [redacted] [redacted]-[redacted] booking# [redacted]) vacuum the backseat area of their radio car. Deputy Quintana inspected the backseat before they went out on patrol and found it to be clear of contraband. Suspect Tejada was the first and only person that they had inside their backseat for the entire shift.

During the Watch Commander's interview (see **Exhibit G**), Suspect Tejada complained of pain to his cheek area just below his left eye, pain to his wrists from the handcuffs, and pain behind his right knee.

Suspect Tejada was transported to Henry Mayo Hospital, where it was discovered that he had a fractured bone in his right wrist.

**INVOLVED PERSONNEL:**

**Quintana, Edgar** - Deputy #[redacted] MH/[redacted] 509/190
Unit 63B
Santa Clarita Station
North Patrol Division

| | |
|---|---|
| Date of Employment: | 08-02-06 |
| Date Assigned to Unit: | 05-02-10 |
| Prior Shooting Incidents: | [redacted] (Since this incident, one shooting on 01-30-14) |
| Prior Founded Force Incidents: | [redacted] |

**Cabrera, Luis** - Deputy #[redacted] MH/[redacted] 506/175
Unit 63B
Santa Clarita Station
North Patrol Division

| | |
|---|---|
| Date of Employment: | 01-17-02 |
| Date Assigned to Unit: | 04-01-12 |
| Prior Shooting Incidents: | [redacted] (Since this incident, one shooting on 01-30-14) |
| Prior Founded Force Incidents: | [redacted] |

**SUSPECT**

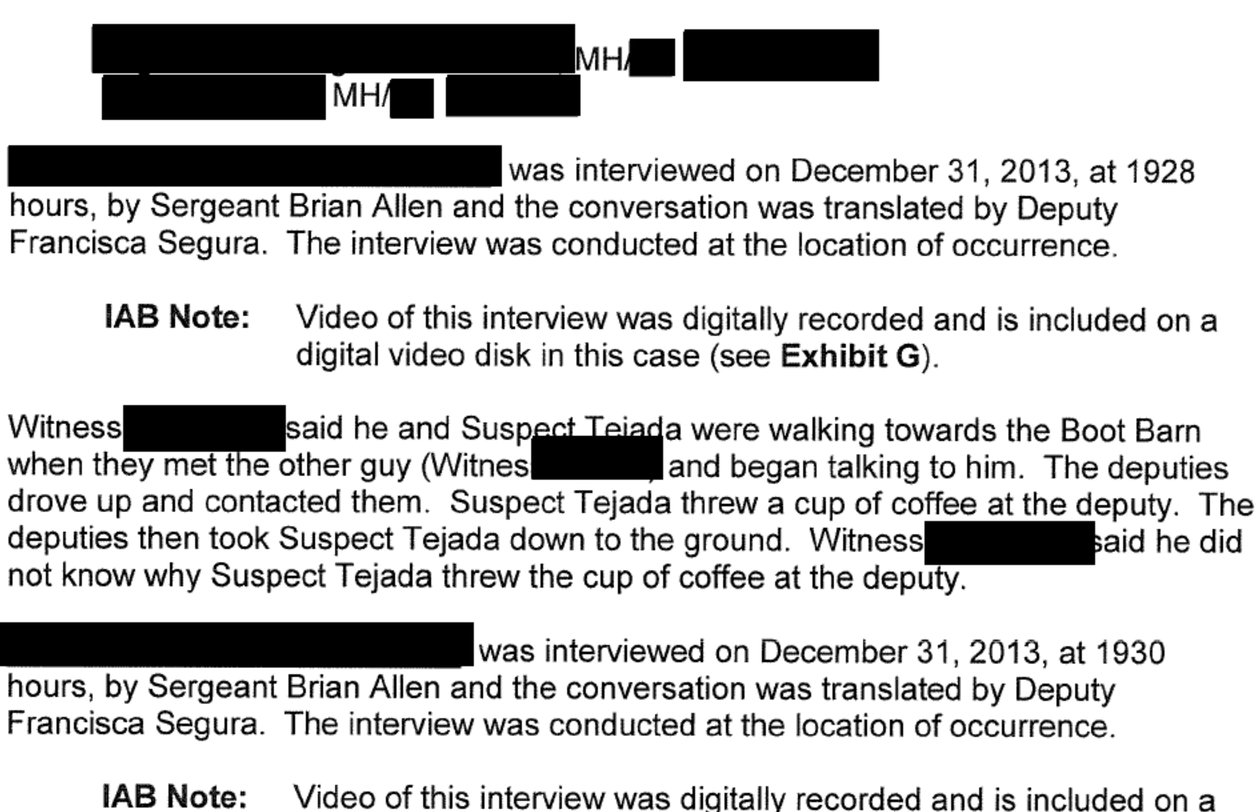
| | |
|---|---|
| Name: | Tejada, Cesar |
| Sex: | Male |
| Race: | Hispanic |
| Date of Birth: | July 2, 1985 |
| Height: | 505 |
| Weight: | 165 |
| Booking # | 3819266 |
| Booking Charges: | 243(b) PC, 11377(a) H&S, 11364(a)(1) HS |

The consolidated Criminal History System reveals that Suspect Tejada has been [redacted]

**IAB Note:** A copy of Suspect Tejada's CCHRS is included in this case book (see **Exhibit D**).

## NON-DEPARTMENT WITNESS STATEMENTS

Sergeant Allen canvassed of the area for witnesses. The two men that were initially observed with Suspect Tejada were the only witnesses found that observed the force incident. The witnesses were identified as:



[redacted] MH/[redacted] [redacted]
[redacted] MH/[redacted] [redacted]

[redacted] was interviewed on December 31, 2013, at 1928 hours, by Sergeant Brian Allen and the conversation was translated by Deputy Francisca Segura. The interview was conducted at the location of occurrence.

**IAB Note:** Video of this interview was digitally recorded and is included on a digital video disk in this case (see **Exhibit G**).

Witness [redacted] said he and Suspect Tejada were walking towards the Boot Barn when they met the other guy (Witness [redacted]) and began talking to him. The deputies drove up and contacted them. Suspect Tejada threw a cup of coffee at the deputy. The deputies then took Suspect Tejada down to the ground. Witness [redacted] said he did not know why Suspect Tejada threw the cup of coffee at the deputy.

[redacted] was interviewed on December 31, 2013, at 1930 hours, by Sergeant Brian Allen and the conversation was translated by Deputy Francisca Segura. The interview was conducted at the location of occurrence.

**IAB Note:** Video of this interview was digitally recorded and is included on a digital video disk in this case (see **Exhibit G**).

Witness [redacted] said he did not know why, but the deputies just grabbed Suspect Tejada and took him down. He saw one of the deputies used a knee on Suspect Tejada's neck to hold him down on the ground. Witness [redacted] did not see anything else during the incident.

## EMPLOYEE WITNESS STATEMENT

**Sergeant Brian Allen #**[redacted] was interviewed on October 7, 2014, at 1452 hours by Internal Affairs Sergeants Kevin Pearcy and Julien Olivier. The interview was conducted at the Santa Clarita Sheriff's Station in the captain's conference room. Audio of the interview was digitally recorded.

Sergeant Allen advised that he authored a Supplemental Report, documenting the event and his actions (**Exhibit C**). He indicated his report was an accurate account of the incident.

Sergeant Allen responded to the location regarding an incident where deputies were involved in a fight and used force. Upon his arrival, Deputies Quintana and Cabrera reported their force to him.

Sergeant Allen identified and interviewed two witnesses to the force incident, on video. To conduct the interview, Sergeant Allen used Deputy Ruth Rodriguez (# [redacted] to translate the interviews for him.

Sergeant Allen checked the area for video surveillance and found that there was no business that had outward facing video surveillance in the area.

For Sergeant Allen's complete statement, refer to his interview transcript, which is included in this case book.

**INVOLVED EMPLOYEE STATEMENTS**

**Deputy Edgar Quintana**, #[redacted] was interviewed on October 7, 2014, at 1319 hours by Internal Affairs Sergeants Kevin Pearcy and Julien Olivier. The interview was conducted at the Santa Clarita Sheriff's Station in the captain's conference room. Audio of the interview was digitally recorded. Deputy Quintana was represented by Attorney Mitchell Kander.

Deputy Quintana advised that he authored an Incident Report, documenting the event and his actions (**Exhibit A**). He corrected an error on his report, indicating that the date on the top right of page one should read December 31, 2013. He indicated the rest of his report was an accurate account of the incident.

Deputy Quintana said he and Deputy Cabrera were partners in a two man, marked patrol car that was subject to calls for service and he was the driver of the vehicle.

Deputy Quintana stated that he observed Suspect Tejada and two additional males loitering in front of the "97 Cents" store at the location. He knew Suspect Tejada from previous contacts, knew he had a misdemeanor warrant for his arrest, and had information that he was a known methamphetamine drug user.

When Suspect Tejada saw their radio car approaching, Suspect Tejada turned towards the two other men and they handed something to each other. Believing a hand-to-hand drug transaction may have occurred, Deputy Quintana stopped the radio car and both

deputies got out. Suspect Tejada turned and walked towards Deputy Quintana. Suspect Tejada held a cup of liquid with both of his hands.

Deputy Quintana said that Suspect Tejada only speaks Spanish. Deputy Quintana also speaks Spanish. During the incident, Deputy Quintana spoke to Suspect Tejada in Spanish.

Deputy Quintana asked Suspect Tejada what he had given the other men. As Suspect Tejada approached Deputy Quintana, Suspect Tejada thrust the cup and its contents (a warm brown liquid) at Deputy Quintana. Deputy Quintana moved defensively and partially blocked the attack. The cup's contents hit Deputy Quintana on his stomach and hands.

Deputy Quintana used his left hand to grab Suspect Tejada's left wrist and forearm area. Suspect Tejada ran eastbound away from Deputy Quintana and broke free from his grasp. Deputy Quintana used his right hand to grab Suspect Tejada by his left shoulder. Deputy Quintana was only able to grab ahold of Suspect Tejada's shirt, which ripped as Suspect Tejada attempted to run away.

As Suspect Tejada ran eastbound, Deputy Cabrera came out from behind the radio car and into Suspect Tejada's path. Deputy Cabrera used both of his arms to grab Suspect Tejada in an upper body "bear hug" type hold. Deputy Cabrera and Suspect Tejada fell to the ground.

Deputy Quintana quickly directed his attention to assess the other two men and found that they were cooperative and did not appear to pose a major threat. Deputy Quintana saw Suspect Tejada was belly down on the ground and Deputy Cabrera was on top of him. Suspect Tejada repeatedly used his right arm to push his body up from the ground and violently thrashed and resisted Deputy Cabrera's hold. Deputy Quintana placed his right knee on Suspect Tejada's upper back and used his body weight to hold Suspect Tejada down. Suspect Tejada continued to thrash and struggle. Deputy Quintana advised, via his hand held radio, that they were involved in a fight and requested assistance.

Deputy Quintana told Suspect Tejada to stop resisting and fighting. Suspect Tejada said "okay" and became more compliant. Deputy Quintana used both of his hands to grab Suspect Tejada's right forearm and pull it behind his (Suspect Tejada's) back. Deputy Cabrera applied a handcuff to Suspect Tejada's right wrist. Cabrera then controlled Suspect Tejada's left wrist and applied the other side of the handcuff.

After Suspect Tejada was handcuffed, Deputies Quintana and Cabrera held Suspect Tejada on the ground until the first unit arrived on scene. They then stood Suspect Tejada up and placed him into the backseat of their radio car, unsearched. After about

three to five minutes, he realized that they had not searched Suspect Tejada. Deputy Quintana took Suspect Tejada out of the radio car and performed a search of his person but did not find any contraband.

At the end of their shift, Deputy Quintana searched the backseat of their radio car and found two baggies of methamphetamine and a pipe containing methamphetamine. Deputy Quintana advised that at the beginning of their shift the backseat of their vehicle was vacuumed by a trainee at the station and he inspected it.

> **IAB Note:** In the Incident Report that Deputy Quintana's authored, he indicated that a station [redacted] - [redacted] booking# [redacted], vacuumed the backseat area of their radio car. During the interview Deputy Quintana stated "trainee" instead of [redacted] Incident Report included in case book (**Exhibit A**).

Deputy Quintana said Suspect Tejada was the first contact of their shift and the only person that they had in their backseat during that shift.

For Deputy Quintana's complete statement, refer to his interview transcript, which is included in this case book.

**Deputy Luis Cabrera**, # [redacted] was interviewed on October 7, 2014, at 1402 hours by Internal Affairs Sergeants Kevin Pearcy and Julien Olivier. The interview was conducted at the Santa Clarita Sheriff's Station in the captain's conference room. Audio of the interview was digitally recorded. Deputy Cabrera was represented by Attorney Mitchell Kander.

Deputy Cabrera advised that he authored a Supplemental Report, documenting the event and his actions (**Exhibit B**). He corrected an error in his report, indicating that on the second page, first paragraph, third line, it should have stated "I placed a handcuff on him." He indicated the rest of his report was an accurate account of the incident.

Deputy Cabrera said he and Deputy Quintana were partners in a two man, patrol car that was subject to calls for service and he was the bookman. Deputy Cabrera stated that he observed Suspect Tejada and two additional males loitering in front of the "97 Cents" store at the location. He knew Suspect Tejada from previous contacts, knew he had a misdemeanor warrant for his arrest, and had information that he was a known methamphetamine drug user.

Deputy Quintana stopped the radio car and made contact with Suspect Tejada. Deputy Cabrera exited the passenger side of the vehicle and walked to the rear of the radio car. He saw Suspect Tejada throw a cup at Deputy Quintana. Deputy Quintana tried to hold Suspect Tejada by the shirt as he (Suspect Tejada) tried to run away.

Suspect Tejada ran eastbound as Deputy Cabrera moved westbound towards his (Suspect Tejada's) path. Deputy Cabrera and Suspect Tejada made contact with each other. Deputy Cabrera used both of his arms to grab Suspect Tejada around the left side of his torso in a "bear hug" and they both fell to the ground. Deputy Cabrera's momentum caused Suspect Tejada to fall down onto his chest and Deputy Cabrera to fall forward onto Suspect Tejada's back.

While on the ground, Suspect Tejada struggled, thrashed, and used his hands and arms to push-up off the ground. Deputy Cabrera put his left knee on Suspect Tejada's lower back, in an attempt to use his body weight to keep Suspect Tejada down.

Deputy Quintana controlled Suspect Tejada's right arm and Deputy Cabrera used his right hand to apply one side of his handcuffs on it. Deputy Cabrera used his left hand to grab Suspect Tejada's left forearm, brought it behind Suspect Tejada's back, and applied the second handcuff on his left wrist.

Deputy Cabrera said that Suspect Tejada only speaks Spanish. Deputy Cabrera also speaks Spanish. During the incident, Deputy Cabrera told Suspect Tejada several times in Spanish to stop fighting and to stop resisting.

For Deputy Cabrera's complete statement, refer to his interview transcript, which is included in this case book.

## SUSPECT TEJADA'S STATEMENT

**Suspect Cesar Tejada,** Booking #3819266, was interviewed three times on video regarding this incident. The interviews are as follows:

Suspect Tejada - Interview #1
On December 31, 2013, at 2007 hours, Suspect Tejada was interviewed by Lieutenant Tom Bryski and the conversation was translated by Deputy Gaxiola, employee #[redacted] The interview was conducted at the Santa Clarita Sheriff's Station in the booking area.

> **IAB Note:** Video of this interview was digitally recorded and is included on a digital video disk in this case (see **Exhibit G**).

Suspect Tejada said he was meeting up with some friends when deputies showed up on scene. He knew the deputies as they contacted him and checked his identification, three days earlier.

One deputy jumped out of the vehicle, ran up to him, and "smacked" a cup of coffee out of his hands. The coffee went everywhere and also fell on the deputy. The deputy

became angry and questioned why he had splashed coffee on him. Suspect Tejada disagreed and said he did not splash him.

Both deputies grabbed him and put him on the ground. One deputy had a knee in his back and the other deputy had a knee holding his head to the ground. He asked repeatedly why they had taken him to the ground. The deputies gave him commands to calm down and to relax. He advised the deputies he would relax if they took their knees out of his back and off of his head and let him stand up. The deputies handcuffed him, searched him, and put him into the radio car.

Suspect Tejada said that he never resisted the deputies or put up a fight. He said he only repeatedly told the deputies to get off his back, let him up, and he would not resist.

When asked about his injuries, Suspect Tejada said he had pain to his wrists from the handcuffs (and pointed to his left wrist), pain to his left cheek (no visible injury) where it had been pressed against the floor, and pain behind his right knee.

Suspect Tejada - Interview #2

On January 1, 2014, at 0247hours, Suspect Tejada was interviewed by Lieutenant Randy Harris and the conversation was translated by Deputy Francisca Segura, employee [redacted]. The interview was conducted at the Santa Clarita Sheriff's Station in the booking area. This interview was after it was found that Suspect Tejada had a fractured bone in his right wrist.

**IAB Note:** Video of this interview was digitally recorded and is included on a digital video disk in this case (see **Exhibit G**).

Suspect Tejada said that 12 years ago, he fractured his right wrist in his home town in Guatemala. He originally received medical treatment for the broken bone, but it never healed right.

Suspect Tejada said his right wrist became injured tonight when the deputies had him on the ground, they grabbed his right hand, and pulled it behind his back for handcuffing. He did not struggle or fight the deputies, because they were injuring him.

Suspect Tejada changed his story and admitted that he did resist at the beginning of the incident, then he was taken down to the ground. He only stopped resisting when the deputies pulled his arms behind his back and he felt pain. Suspect Tejada advised the deputies that he was not going to fight with them (deputies) anymore.

Suspect Tejada - Interview #3

On January 1, 2014, at 1045hours, Suspect Tejada was interviewed by Internal Affairs Bureau Sergeant Romeo Ingreso and the conversation was translated by Deputy

Salvador Yanez, employee #[redacted]. The interview was conducted at the Twin Towers Correctional Facility, in a hallway of the facility near cell 112.

**IAB Note:** Video of this interview was digitally recorded and is included on a digital video disk in this case (see **Exhibit G**).

Suspect Tejada took off his shirts and showed his bare upper torso and arms to show the presence or lack of visible injuries on his body. The only visible injuries were to the knuckle of his left hand, which had small abrasions on his knuckles. Suspect Tejada said he is not under the care of a psychologist or a psychiatrist. Suspect Tejada refused to talk about the incident.

## SUSPECT'S INJURIES

Suspect Tejada was transported to Henry Mayo Hospital, where he was treated for his injuries by Doctor Heather Flaherty. It was discovered that Suspect Tejada had a navicular fracture to a bone in his right wrist. Suspect Tejada was treated for his injuries and given an "OK to book".

**IAB Note:** Photographs and video of Suspect Tejada's body (see photos in **Exhibit F** and Video in **Exhibit G** [Tejada's Interview #3]), a digital image of the X-ray of Suspect Tejada's right wrist (see **Exhibit I**), and Suspect Tejada's medical treatment documentation is included in this book (see **Exhibit I**).

Suspect Tejada claims he had previously broken his right wrist 12 years ago while he was in his home town, in the country of Guatemala. He said he sought treatment for the previous injury but it never healed correctly. Suspect Tejada says his current right wrist injury occurred during his arrest (on 12-31-13) when deputies had him on the ground and they grabbed his arms and pulled them behind his back for handcuffing.

## DEPUTY PERSONNEL INJURIES

None

## PHYSICAL EVIDENCE

None

## INVESTIGATOR'S OBSERVATIONS

Due to the time lapse between the incident and medical diagnosis, Internal Affairs Bureau investigators did not respond to the scene.

The area where the deputies made contact with Suspect Tejada, and where the use of force subsequently occurred, is a commercial shopping complex that is open to the public. The force occurred on the front cement sidewalk in front of the "97 Cents" store at 27544 Sierra Highway, Santa Clarita.

**IAB Note:** Video of this scene was digitally recorded by Sergeant Allen and is included on a digital video disk in this case (see **Exhibit G**). Digital photographs were taken of the scene and are included on a compact disk in this case (see **Exhibit F**).

On January 1, 2014, IAB Sergeant Romeo Ingreso responded to Twin Towers Custody Facility and made contact with Suspect Tejada. Video and photos (See photos in **Exhibit F** and video in **Exhibit G**) were made of Suspect Tejada to document the presence or absence of any visible injuries on his body.

## REVIEW OF THE RADIO BROADCAST

Internal Affairs Sergeant Kevin Pearcy reviewed the audio recording of the radio broadcast of this incident. In the radio broadcast, Deputy Quintana advised his unit identifier "63B" and that he was involved in a fight (see **Exhibit H**). Deputy Quintana advised he was in the parking lot of the 7-11. The SCC dispatcher advised that they were in a parking lot then asked, "10-9 your 10-20?" Deputy Quintana advised they were at Sierra Highway and Soledad. Several station units advised that they were responding.

Approximately 58 seconds after putting out the initial broadcast, Deputy Quintana advised that they were "Code 4." Deputy Quintana further advised they were detaining one in the backseat, requested a sergeant to respond, and asked for any additional responding personnel to "shut down" their Code-3 response.

**IAB Note:** Audio of the radio broadcast was digitally recorded and is included on a compact disk in this case (see **Exhibit H**).

## WEAPONS USED BY DEPUTY PERSONNEL

None

## WEAPONS USED BY SUSPECT TEJADA

Warm liquid.

## PROPERTY DAMAGE

None

## CRIMINAL INVESTIGATOR AND CHARGES FILED

Investigator: Santa Clarita Station Detective Bureau – Detective Lucas Darland

Court: Newhall Superior Court

Charges:

| | |
|---|---|
| 243(b) PC, | Battery Upon an Officer and Emergency Personnel |
| 148(a)(1) PC, | Resist, Obstruct, Delay of A Peace Officer |
| 11377(a) HS | Possession of a Controlled Substance |
| 11364.1(a)(1) HS | Possession of a smoking device |

**IAB Note:** On January 3, 2014, the Los Angeles County District Attorney's Office, at Newhall Superior Court, filed four misdemeanor complaints against Suspect Tejada. On January 24, 2014, Suspect Tejada agreed to a plea bargain resulting in a sentence of 50 days in county jail, three years summary probation, and an option to pay a fine or to serve three days of community service.

## WEATHER AND LIGHTING CONDITIONS

The incident occurred in a commercial shopping center during night hours (1918 hours) with good lighting conditions on the walkway and in the parking lot. The weather was clear and cool.

**IAB Note:** Video of the conditions at the scene was digitally recorded by Sergeant Allen and is included on a digital video disk in this case (see **Exhibit G**). Digital photographs were taken of the scene and are included on a compact disk in this case (see **Exhibit F**).